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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,345	11/18/2003	Phillip J. Edwards	4189-PA22	7623

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EXAMINER

LEUNG, CHRISTINA Y

ART UNIT PAPER NUMBER

2633

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,345	Applicant(s) U EDWARDS, PHILLIP J.	
	Examiner Christina Y. Leung	Art Unit 2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lim (US 5,329,115 A).

Regarding claim 1, Lim discloses an optical preamplifier (Figures 3) comprising:

an amplifier stage (including amplifier 48) having a signal input (such as lead 44 input to amplifier 48), and two signal output terminals (leads 50 and 56), a power input terminal (i.e., the connection to voltage source 70), and a return terminal (i.e., the connection to ground); and

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a photodiode 32 having one terminal (i.e., lead 38) coupled to the signal input of the amplifier stage (lead 44) and a second terminal (i.e., lead 33) coupled through a resistance (resistor 51) to one of the two signal output terminals (lead 50).

Similarly, regarding claim 8, Lim et al. disclose a method of providing an optical preamplifier (Figure 3) comprising the steps of:

providing an amplifier stage (including amplifier 48) having a signal input (lead 44), two signal output terminals (leads 50 and 56), a power input terminal (the connection to voltage source 70), and a return terminal (the connection to ground); and

coupling one terminal of a photodiode (lead 38) to the signal input of the amplifier stage; and

coupling a second terminal (lead 33) of the photodiode through a resistance (resistor 51) to one of the two signal output terminals (lead 50).

Regarding both claims 1 and 8, the signal output terminals 50 and 56 disclosed by Lim et al. provide an output based on an amplified version of the signal received by the photodiode; therefore, Lim et al. disclose that the system is capable of providing an indication of received signal strength from the output terminals. Examiner respectfully notes that the claims do not recite any further details regarding the received signal strength indication.

Regarding claim 3, Lim discloses that the photodiode 32 is a PIN diode (column 3, lines 33-34).

Regarding claim 4, Lim discloses that the optical preamplifier is formed as an integrated circuit (column 5, lines 25-30).

Regarding claim 5, Lim discloses that the resistance is a resistor (element 51; column 3, lines 50-52).

Allowable Subject Matter

4. Claims 6 and 7 are allowed.
5. Claims 2 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, including Lim, does not specifically disclose or fairly suggest an optical preamplifier or a method providing an optical preamplifier including all the elements, steps, and limitations recited in claims 2 and 9, particularly wherein the received signal strength indicating function between the two signal output terminals appears as a DC offset. The prior art also does not specifically disclose or fairly suggest an optical preamplifier including all of the elements and limitations connected in the way specifically recited by claim 6.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023. The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christina Y Leung
Christina Y Leung
Patent Examiner
Art Unit 2633